

REMARKS-General

1. The newly drafted independent claim 54 and 83 incorporate all structural limitations of the original claim 1 and 43 and include further limitations previously brought forth in the disclosure. No new matter has been included. All new claims 54 to 91 are submitted to be of sufficient clarity and detail to enable a person of average skill in the art to make and use the instant invention, so as to be pursuant to 35 USC 112.

2. With regard to the rejection of record based on prior art, Applicant will advance arguments to illustrate the manner in which the invention defined by the newly introduced claims is patentably distinguishable from the prior art of record. Reconsideration of the present application is requested.

Regarding to the Qualification of the Goldenberg (US Patent Publication No. 2002/0065682 A1) patent as Prior Art under 35USC102

3. Pursuant to 35 U.S.C. 102, "a person shall be entitled to a patent unless:

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language."

4. In view of 35 U.S.C. 102(e), it is apparent that a person shall not be entitled to a patent when his or her invention was described in an application patent which is published under section 122(b) by another filed in the United States before the invention by the applicant for patent.

5. However, the Goldenberg patent publication and the instant invention are not the same invention according to the fact that the disclosure in that patent does not read upon the instant invention and the newly amended independent claims 55 and 84 of the instant invention does not read upon the Goldenberg patent application either.

Apparently, the instant invention, which discloses a method of providing distance-treatment for registered users, should not be the same invention as the Goldenberg patent application which discloses a virtual doctor interactive cybernet system.

6. The applicant submits that the instant invention as claimed in the newly amended independent claims 54 and 83 are different from the disclosure of Goldenberg patent application, due to the following reasons:

(a) Referring to the newly amended independent claims 54 and 83, Goldenberg **does not anticipate** that the treatment of prospective patients can be accomplished by audio and visual strategies via the monitor and the audio device as coordinated by the computer of the information connection system. Instead, Goldenberg utilizes a network and a server to coordinate a plurality of treatment devices which are monitored by a monitoring device. Thus, the network and the server are arranged to control the treatment devices for providing patients with immediate medical attention. The instant invention as claimed in the newly amended independent claims 54 and 83, however, recites a method of providing distance-treatment for registered users in which digital treatment signals of the treatment information data package is used to initiate a primary treatment operated by the information connection system on the registered user, wherein the primary treatment is **primarily limited to an audio and a visual treatment** to the registered user via an audio device and a monitor.

(b) Referring to the newly amended claims 55 and 84, Goldenberg discloses two treatment devices which are connected to a server via a network for treating patients in a real-time manner. In other words, Goldenberg utilizes the **treatment devices as primary equipment** for treating the patients. It does not, however, utilize the **computer** itself for treating the patients via visual and audio treatment strategy. The treatment instrument as claimed in the newly amended claim 55 serves as additional treatment options for enlarging the scope of treatment.

(c) Referring to the newly amended claims 56-57, Goldenberg fails to anticipate that the method further comprises a step of providing a treatment information database and a health information database for the service provider **in addition to** what is claimed in the newly amended independent claim 54.

(d) Referring to the newly amended claims 58-59, Goldenberg fails to anticipate that the personal general information includes a specific user ID and a specific password registered by each of the registered users **in addition to** what is claimed in the newly amended independent claim 54.

(e) Referring to the newly amended claims 60-61, Goldenberg fails to anticipate that the personal health information of each of the registered users includes personal physical information and a recent body test record **in addition to** what is claimed in the newly amended independent claim 54.

(f) Referring to the newly amended claims 63-66, Goldenberg fails to anticipate that the treatment information database includes a plurality of treatment information with respect to different kinds of classified health problem and diseases **in addition to** what is claimed in the newly independent claim 54.

(g) Referring to the newly amended claims 67-70, Goldenberg fails to anticipate that step (b) comprises the steps of receiving the login request, sending the login page, authorizing the received user ID, and sending the member page **in addition to** what is claimed in the newly amended independent claim 54. It must be stressed that without the possibility of utilizing the treatment instrument, the registered user can login and receive treatment **from home** in an audio and visual format as a primary treatment option **without going** to private clinics or hospitals.

(h) Referring to the newly amended claims 73-75, Goldenberg fails to anticipate that the method further comprises a step (f) of decoding said digital treatment signals into analog treatment signals **in addition to** what is claimed in the newly amended independent claim 54.

(i) Referring to the newly amended claims 76-78, Goldenberg fails to anticipate that step (d) further comprises the steps (d-1) through (d-5) **in addition to** what is claimed in the newly amended independent claim 54. In particular, Goldenberg fails to anticipate that the recommended biological treatment can be in the form of the primary treatment (i.e. in audio and visual treatment option via the computer)

(j) Referring to the newly amended claim 85 and 86, Goldenberg fails to anticipate that the service provider comprises a Web Server *in addition to* what is claimed in the newly amended independent claim 83.

(k) Referring to the newly amended claims 90-91, Goldenberg fails to anticipate that the treatment instruments for providing the additional treatment are acupuncture device and electromagnetic wave generator.

Response to Rejection of Claims 2, 4, 6, 8, 10, 12, 16, 18, 20, 22, 24, 35, 36, 37, 38, 40, 42, 46, 47, 48 under 35USC103

7. The Examiner rejected claims 2, 4, 6, 8, 10, 12, 16, 18, 20, 22, 24, 35, 36, 37, 38, 40, 42, 46, 47, 48 over Goldenberg in view of Albert (US 5,735,285), Khaled (US 5,416,804) and Swing (US 6,522,929). Pursuant to 35 U.S.C. 103:

“(a) A patent may not be obtained though the invention is **not identically** disclosed or described as set forth in **section 102 of this title**, if the **differences** between the subject matter sought to be patented and the prior art are such that the **subject matter as a whole would have been obvious** at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.”

8. In view of 35 U.S.C. 103(a), it is apparent that to be qualified as a prior art under 35USC103(a), the prior art must be cited under 35USC102(a)-(g) but the disclosure of the prior art and the invention are not identical and there are one or more differences between the subject matter sought to be patented and the prior art. In addition, such differences between the subject matter sought to be patented **as a whole** and the prior art are obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

9. In other words, the differences between the subject matter sought to be patent as a whole of the instant invention and Goldenberg which is qualified as prior art of the instant invention under 35USC102(e) are obvious in view of Albert, Khaled and Swing at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains.

10. The applicant respectfully submits that the difference between the instant invention as claimed in the newly amended claims and the various cited art are, at the time the invention was made, **not obvious**, due to the following reasons:

(l) Referring to the newly amended claims 73-75, the examiner is of the view that since Albert discloses decoding of digital treatment signal into analog treatment signal, it would have been obvious for a person skill in the art to combine the disclose in Goldenberg with the disclose in Albert to form the instant invention. The applicant respectfully submits that the conversion between digital treatment signal and analog treatment signal **better reflects** the patient condition of the registered users of the instant invention. Moreover, Albert deals with transmission of biomedical waveform data via a **telephone system** in which any signal transmitted therethrough would be frequency modulated. Thus, it would be a must for Albert to convert digital treatment signal to analog treatment signal and vice versa. For the instant invention, the interaction between the service provider and the registered user is by means of Internet. The signal transmission throughout the entire system is **digital, except** where the treatment instrument is an analog type device. Goldenberg and Albert do not, in combination, teach, suggest and motivate medical treatment in the forms of **audio and visual** interaction. Analog treatment devices are served to fulfill **additional treatment function**. The registered users are therefore able to receive primary and additional treatments **at home** via Internet.

(m) Referring to the newly amended claim 90, Swing discloses an electrical acupuncture device for operating acupuncture treatment. The examiner argues that it would have been obvious to one having ordinary skill in the art to include acupuncture treatment to what is disclosed in Goldenberg. The applicant respectfully submits that both Goldenberg and Swing fail to teach, suggest and motivate the use of acupuncture treatment in an Internet based distance treatment system in which audio and visual treatments (via the computer and nothing else) are the primary forms of treatment, whereas acupuncture treatment is an additional treatment option. Thus, the visual and audio treatments are supplemented by acupuncture treatment. Goldenberg and Swing do not, *per se* or in combination, suggest this feature of the instant invention.

(n) Referring to the newly amended claim 91, Bologna discloses a wave generator for producing electromagnetic wave of a predetermined frequency. The

examiner argues that it would have been obvious to one having ordinary skill in the art to combine the wave generator with what is disclosed in Swing and Goldenberg. The applicant respectfully submits that both Goldenberg, Swing and Bologna fail to teach, suggest and motivate the use of electromagnetic wave generator in an Internet based distance treatment system in which audio and visual treatments (via the computer and nothing else) are the primary forms of treatment, whereas acupuncture treatment is considered as an additional treatment option. Thus, the visual and audio treatments are supplemented by the wave generator. Goldenberg, Swing and Bologna do not, *per se* or in combination, suggest this feature of the instant invention.

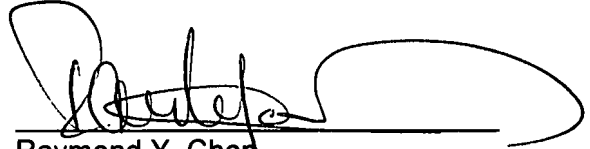
The Cited but Non-Applied References

11. The cited but not relied upon references have been studied and are greatly appreciated, but are deemed to be less relevant than the relied upon references.

12. In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration and withdrawal of the rejection are requested. Allowance of claims 54-91 at an early date is solicited.

13. Should the Examiner believes that anything further is needed in order to place the application in condition for allowance, he is requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

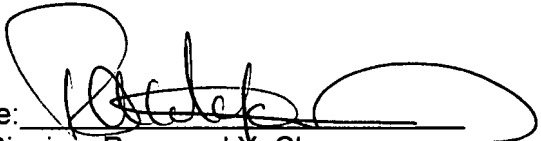


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